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Attorneys for Defendant
VENTANA MEDICAL SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BIOGENEX LABORATORIES, INC.,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

CASE NO.: C03-3916-JF
CASE NO.: C05-0860-JF

**STIPULATION AND [PROPOSED]
ORDER TO STAY THE PENDING
ACTIONS**

WHEREAS, the parties are at an advanced stage in settlement negotiations, have discussed the terms of a potential settlement in considerable detail, and are in the process of drafting settlement documents;

WHEREAS, the parties believe that there is a high likelihood that the instant litigation will settle without the need for the Court to expend further judicial resources;

1 WHEREAS, the parties believe it is in their best interests to focus their resources and
2 energies toward attempting to resolve their disputes and, in view of the resources that may be
3 expended in the instant litigation with respect to discovery, Patent Local Rules disclosures, and
4 preparation for a tutorial and *Markman* hearing, believe that a brief stay of the instant cases will
5 facilitate such negotiations;

6 IT IS HEREBY STIPULATED, subject to the approval of the Court:

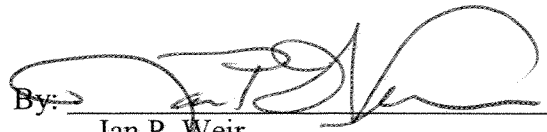
7 1. The cases are stayed for 60 days from the date of this order.

8 2. The dates for further Patent Local Rules disclosures and the tutorial/claim
9 construction hearing are hereby vacated.

10 3. If the parties have not reached a definitive agreement to settle the cases within the
11 60 day period, the parties shall submit a Joint Proposed Scheduling Order, setting forth proposed
12 dates for Patent Local Rules disclosures and the tutorial/claim construction hearing. Such
13 proposed dates shall follow the previously adopted intervals, taking into account reasonable
14 scheduling accommodations as may be necessary.


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16 Dated: October 24, 2006

STRADLING YOCCA CARLSON & RAUTH
Professional Corporation

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18 By: 
19 Jan P. Weir
20 Attorneys for Plaintiff
21 BIOGENEX LABORATORIES, INC.

22 Dated: October ²⁶24, 2006


WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

23
24 By: 
25 Roger J. Chin
26 Attorneys for Defendant
27 VENTANA MEDICAL SYSTEMS, INC.
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/8/06


HON. JEREMY FOGEL
UNITED STATES DISTRICT JUDGE